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GROWLIFE, INC., MARCO HEGYI and MARK SCOTT

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**  
**SACRAMENTO DIVISION**

WILLIAM BLACKBURN, BRAD  
MICKELSEN,

Plaintiffs,  
vs.

GROWLIFE, INC., a Delaware  
corporation; MARCO HEGYI, an  
individual; MARK SCOTT, an  
individual; and DOES 1 – 100,  
inclusive,

Defendants.

Case No.: 2:20-cv-01855-MCE-  
CKD

(Sacramento County Superior  
Court Case No.  
34-2020-00284363-CU-BC-GDS)

**DEFENDANTS' FIRST  
AMENDMENT TO THEIR  
NOTICE OF REMOVAL TO  
SUPPLEMENT DEFENDANTS'  
EARLIER FILED NOTICE OF  
REMOVAL TO ADD  
ADDITIONALLY FILED STATE  
COURT PLEADINGS  
PLAINTIFFS FILED THE  
SAME DAY OF THE ORIGINAL  
NOTICE OF REMOVAL**

PLEASE TAKE NOTICE THAT, under Title 28 U.S.C. § 1446(b),  
a removal petition may be amended freely within § 1446(b)'s thirty-day  
period. See *In re CBS Inc.*, 762 F. Supp. 71, 73 (S.D.N.Y. 1991) ("A  
petition for removal may be amended freely within the statutory 30-day

1 period calculated from the date of service of the initial state court  
2 pleading. Thereafter it may be amended to set forth more specifically  
3 grounds for removal which were imperfectly stated in the original  
4 petition. The prior decisions have made a distinction between an  
5 ‘imperfect’ or ‘defective’ allegation and a wholly missing allegation,  
6 which cannot be supplied by amendment after the 30-day period has  
7 run.”); see 14C Wright, Miller & Cooper, *Federal Practice and Procedure*  
8 § 3733 at 537-38 (3rd ed. 1998) (“the notice may be amended only to set  
9 out more specifically grounds for removal that already have been stated,  
10 albeit imperfectly, in the original notice”).

11 On September 14, 2020, plaintiffs filed their original Notice of  
12 Removal with this court. The same, however, plaintiffs apparently filed  
13 an ex parte application and related papers with the Sacramento  
14 Superior Court.

15 To avoid any claims that defendants failed or improperly refused  
16 to provide this federal district court all papers filed in the  
17 subject/removed Sacramento Superior Court action, defendants hereby  
18 amend and supplement their previously filed Notice of Removal to add  
19 the additional Sacramento Superior Court pleadings defendants  
20 received yesterday afternoon after defendants’ original Notice of  
21 Removal was filed.

22 Such additional state court pleadings are attached to this  
23 Amendment/Supplement to defendants’ September 14, 2020 Notice of  
24 Removal as Exhibits B through F so that all of plaintiffs’ papers filed up  
25 through September 14, 2020 in the Sacramento Superior Court are now  
26 filed here.

1 Dated: September 15,  
2 2020

HORWITZ + ARMSTRONG <sup>APLC</sup>

3 By /s/ Ryan Thomason  
4 JOHN R. ARMSTRONG  
5 RYAN THOMASON  
6 Attorneys for Defendants  
7 GROWLIFE, INC., MARCO HEGYI and  
8 MARK SCOTT  
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